



Section 144 of CrPC

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Why in news

With protests against the **Citizenship Amendment Act** intensifying at several places across many states, several state governments have **imposed Section 144** of the **Criminal Procedure Code (CrPC)** to curb the protests.

What is Section 144 of CrPC?

- **Section 144 of Criminal Procedure Code (CrPC)** is frequently used to **prohibit assemblies of four or more individuals**, or to order mobile phone companies to block voice, SMS, or Internet communications in one or more geographical areas.
- It empowers a district magistrate, a sub-divisional magistrate or any other executive magistrate specially empowered by the state government in this behalf to issue orders to prevent and address urgent **cases of apprehended danger or nuisance**.
 - The orders may be directed against a particular individual, or to persons residing in a particular place or area, or to the public generally when frequenting or visiting a particular place or area.
- No order passed under Section 144 can remain in **force for more than two months from the date of the order**.
- The state government can extend this, **but not more than six months**.

Issues related to Section 144

- The term cases of **apprehended danger or nuisance** are too broad and wide enough to give absolute power to a magistrate.
- The immediate remedy against such an order is a revision application to the magistrate himself.
- An aggrieved individual can approach the High Court by filing a writ petition (article 226) if his fundamental rights are at stake. This however is a time taking process.

How have courts ruled on Section 144?

- **Dr Ram Manohar Lohiya case 1967**, the Supreme Court held that “no democracy can exist if ‘public order’ is freely allowed to be disturbed by a section of the citizens”.
- **Madhu Limaye vs Sub-Divisional Magistrate case 1970**, a seven-judge bench headed by the then **Chief Justice of India M Hidayatullah** upheld the constitutionality of section 144.
 - The court said that **“law may be abused” is no reason to strike it down.**
 - It further ruled that the restrictions imposed through Section 144 cannot be held to be violative of the right to freedom of speech and expression.
 - Imposition of Section 144 falls under the **“reasonable restrictions”** under Article 19(2) of the Constitution.
- In 2012, the Supreme Court **criticised the government for imposing Section 144** against a sleeping crowd in Ramlila Maidan.

The court held that such a provision can be used **only in grave circumstances** for **maintenance of public peace**. The emergency must be sudden and the consequences sufficiently grave.

Source: IE